

REMARKS

I. Status of the Application

In the Office Action dated July 11, 2006, Examiner rejected: 1 and 4-10 under 35 U.S.C. § 112; and claim 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,440,318 to Butland et al. ("Butland"). Claims 1, 4-10 and 12 are pending in the present Application and are at issue herein. By this Amendment, claim 1 has been amended. No new matter has been added by these amendments.

II. Rejections Under 35 U.S.C. § 112

Examiner has rejected claims 1 and 4-10 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully traverses the Examiner's rejection. Nonetheless, Applicant has hereby amended the claims such that the invention is more clearly describe. In view of the Amendments, Applicant submits that Examiner's rejection under 35 U.S.C. § 112 is now moot. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the same.

III. Rejections Under 35 U.S.C. § 102

Claim 12 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Butland. Applicant respectfully traverses the Examiner's rejection.

In order for a reference to constitute a § 102(b) bar to patentability, the reference must disclose each and every element of the claimed invention. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771, 218 U.S.P.Q. 781, 789 (Fed. Cir. 1983). Applicant respectfully submits that Butland does not disclose each and every element of independent Claim 12.

Claim 12 is directed to a ground tilting antenna array. The ground tilting antenna array includes a phase shifting device comprised of a body and a plurality of oppositely sensed antenna elements. The body is slidable relative to a printed circuit board. The oppositely sensed antenna elements are mounted to the circuit board in a vertical elongate array and define an upper antennae and a lower antennae. The upper antennae is connected to feed lines that are lengthened when the body is moved in a first direction. The lower antenna elements is connected to feed lines that are shortened when the body is moved in the first direction. Thus, a phase shift is caused along the length of the array.

Butland, on the other hand, is directed to a panel antenna suitable for use in cellular communication applications. The antenna includes means for mechanically and electrically adjusting the tilt of the antenna beam. The tilt of the panel antenna in Butland is varied by altering the length of line (8) by inserting variable lengths of feed line into line (8). Examiner contends that Butland discloses a slideable body which affects the length of the feed lines. However, Examiner fails to identify any such structure in Butland. Indeed, contrary to Examiner's contention, Butland fails to disclose, teach or suggest "feed lines [connected to the upper antenna] that are lengthened when the body is moved in a first direction and the lower antenna elements being connected to the feed lines that are shortened when the body is moved in the first direction" as required by claim 12 of the present application. Instead, any variation in the length in Butland is achieved simply by substituting different length cables (see Butland, col. 4, lines 16-23).

For the foregoing reasons, Applicant respectfully submits that claim 12 recites structure that is patentably distinguishable from Butland. Accordingly, Applicant submits that Examiners rejection under 35 U.S.C. § 102(b) has been obviated and respectfully requests reconsideration and removal of the same.

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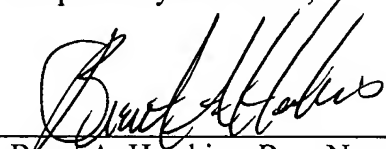
IV. Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1, 4-10 and 12 are patentable over the cited prior art, and are in condition for allowance. Applicant respectfully requests that Examiner reconsider and withdraw the rejections of claims 1, 4-10 and 12, and enter an allowance of the same. Applicant further invites Examiner to contact the undersigned attorney to discuss any matters pertaining to the present Application.

Respectfully submitted,


Dated: December 8, 2006

By: _____


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